

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OTIS THOMAS,

Plaintiff,

v.

M.S. EVANS, Warden,

Defendants.

) No. C 06-3581 MMC (PR)

) **ORDER SCHEDULING BRIEFING**
) **ON PLAINTIFF'S MOTIONS TO**
) **COMPEL, FOR SANCTIONS, AND**
) **FOR A PROTECTIVE ORDER;**
) **STAYING DEFENDANTS'**
) **DISPOSITIVE MOTIONS; DENYING**
) **AS MOOT PLAINTIFF'S MOTION**
) **FOR ENLARGEMENT OF TIME**

On June 5, 2006, plaintiff, a California prisoner currently incarcerated at Salinas Valley State Prison ("SVSP") and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. On July 5, 2006, plaintiff filed an amended complaint against Warden M.S. Evans ("Evans"), Sergeant M. J. Kircher ("Kircher"), and Captain G. Ponder ("Ponder"), all SVSP officials. On December 11, 2006, the Court found plaintiff's allegations stated cognizable claims for relief, ordered the amended complaint served upon defendants, and ordered defendants to file a dispositive motion or indicate they were of the opinion that plaintiff's claims could not be resolved by such a motion. After being granted an extension of time, defendants filed two separate motions. Specifically, on March 12, 2007, defendants filed a motion to dismiss plaintiff's Eighth Amendment claim pursuant to Rule 12(b) of the Federal Rules of Civil Procedure on the ground plaintiff had failed to exhaust his administrative remedies, and on April 11, 2007, defendants filed a motion for summary judgment on plaintiff's First Amendment and Equal Protection claims.

Now before the Court is plaintiff's motion to compel (Docket No. 21), attached to


1 which are numerous exhibits, discovery requests, and proposed orders, as well as a motion
2 for sanctions for alleged failure to produce discovery, a motion for a protective order, and a
3 motion for enlargement of time in which to respond to defendants' motion to dismiss.

4 Within **21** days of the date this order is filed, defendants shall file an opposition to
5 plaintiff's motions to compel, for sanctions and for a protective order. Plaintiff may file a
6 reply to defendants' opposition, provided he does so within **14** days of the date the opposition
7 is filed.

8 Defendants' motions to dismiss and for summary judgment are hereby STAYED until
9 the above-described discovery motions are resolved, at which time the Court will set a new
10 briefing schedule on said motions. Plaintiff's motion for an enlargement of time to file
11 opposition to the motion to dismiss is DENIED as moot.

12 IT IS SO ORDERED.

13 DATED: April 18, 2007

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MAXINE M. CHESNEY
15 United States District Judge
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